

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE ESTATE OF MONTANA LANCE,
BY AND THROUGH JASON AND
DEBORAH LANCE, INDIVIDUALLY,
AND UPON BEHALF OF HIS HEIRS

V.

LEWISVILLE INDEPENDENT
SCHOOL DISTRICT

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CASE NO. 4:11-CV-00032
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 23, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion for Partial Dismissal of Plaintiffs' First Amended Complaint and Brief (Dkt. #20) should be granted in part and denied in part.

The Court, having made a *de novo* review of the objections of Plaintiffs and Defendant Lewisville Independent School District, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant's Motion for Partial Dismissal of Plaintiffs' First Amended Complaint and Brief (Dkt. #20) is **GRANTED** in part, and **DENIED** in part. Plaintiffs have sufficiently alleged facts to support a claim under 42 U.S.C. § 1983, and those claims shall

remain. Plaintiffs' claims for punitive damages are dismissed, and Plaintiffs' request for leave to amend their complaint is denied.

It is SO ORDERED.

SIGNED this 13th day of September, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE